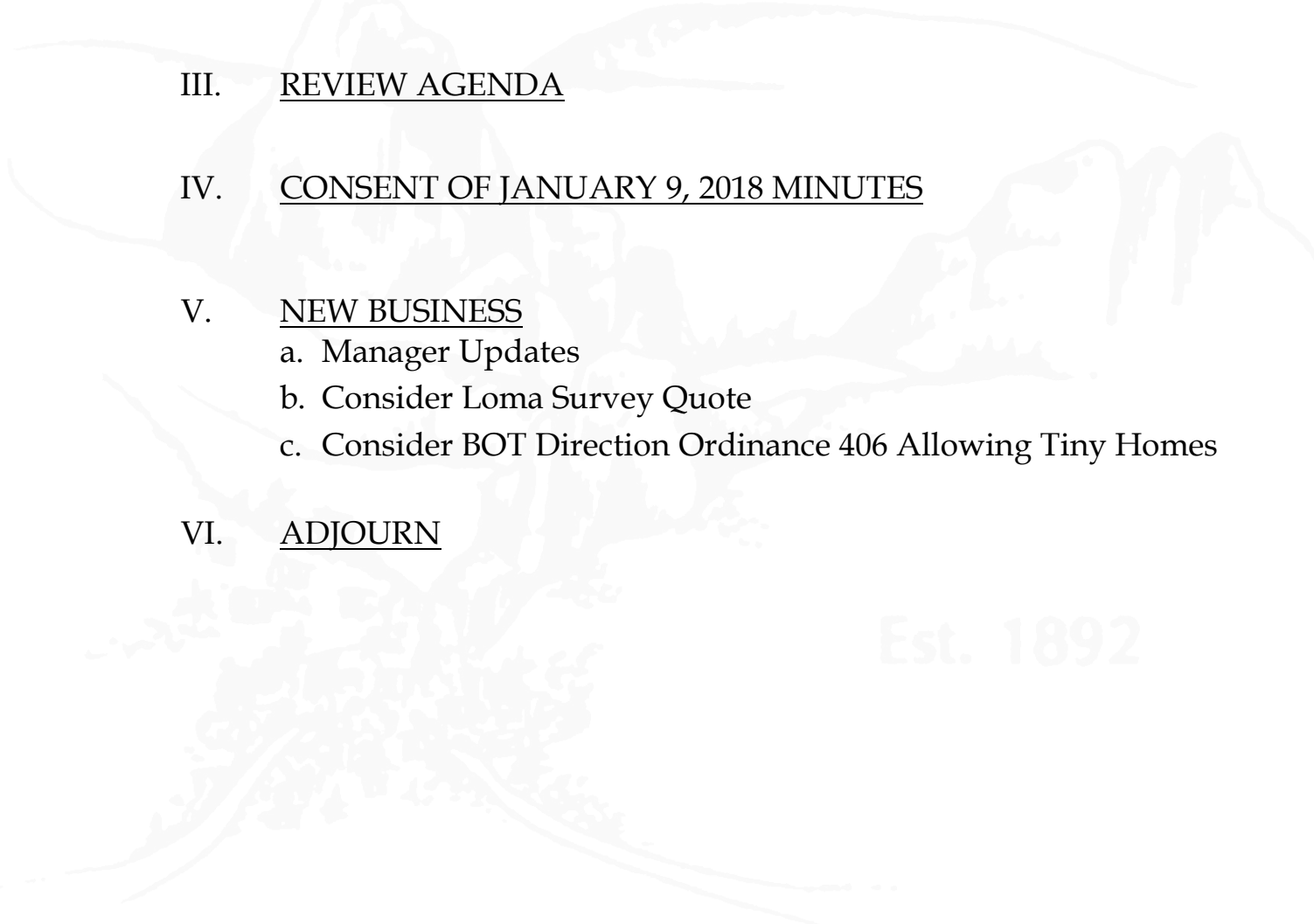


- 
- I. CALL TO ORDER
 - II. ROLL CALL
 - III. REVIEW AGENDA
 - IV. CONSENT OF JANUARY 9, 2018 MINUTES
 - V. NEW BUSINESS
 - a. Manager Updates
 - b. Consider Loma Survey Quote
 - c. Consider BOT Direction Ordinance 406 Allowing Tiny Homes
 - VI. ADJOURN

POSTED 2/9/18

OPEN TO THE PUBLIC

**PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO – A TOWN
January 9, 2018**

REGULAR MEETING

The Planning and Zoning Commission of the City of Creede – a Town, County of Mineral, State of Colorado, met in the Creede Town Hall at the hour of 5:30 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Lauri Jordan, Ed Vita, Frank Freer, Amy Krueger, Jeffrey Larson,
Annie Butler, James Kehr

Commission Chair Jordan, presiding, declared a quorum present:
Those members of staff also present were as follows: Clyde Dooley, City Manager
Randi Snead, City Clerk

AGENDA

New commissioners Butler and Kehr were welcomed to the Commission. Manager Dooley added a presentation on the Keen replat. Commissioner Butler moved and Commissioner Krueger seconded to approve the agenda as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF DECEMBER 12, 2017 MINUTES

Commissioner Krueger moved and Commissioner Jordan seconded to approve the December 12, 2017 minutes as presented. There were four yes votes and three abstentions (Butler, Kehr, and Vita). Commission Chair Jordan declared the motion carried.

OLD BUSINESS

MANAGER REPORTS

Manager Dooley gave a progress report on the upcoming replats of the Rogers property and the Keen property.

MAYER REPLAT

Manager Dooley presented a proposed replat of the Mayer property in North Creede. Commissioner Vita moved and Commissioner Kehr seconded to recommend to the Board of Trustees not to pursue the replat and instead recommend that the property owners work out the boundary dispute between themselves. The vote was unanimous. Commission Chair Jordan declared the motion carried.

HOLY MOSES SCHEDULE

Manager Dooley presented a schedule for the Holy Moses replat.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Krueger moved and Commissioner Krueger seconded that the meeting be adjourned at 6:17 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

 /Randi Snead/
Randi Snead, City Clerk/Treasurer

IMPROVEMENT SURVEY PLAT
BLOCK 2, SOUTH CREEDE

Located in NE1/4 Section 36, Township 42 North, Range 1 West,
N.M.P.M., City of Creede, Mineral County, Colorado

LEGAL DESCRIPTION

As per Title Commitment, Policy No. 01101105 Dated January 7, 2011
First American Title Insurance Company

The West Half of Lot 2, and all of Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, Block 2, of that part of the City
of Creede, platted and known as South Creede, Mineral County, Colorado.

AND

All that part of the North 25 feet of West First Street, abutting Block 2, W1/2 of Lot 2, and all of
Lots 3 through 11, in that part of the City of Creede, platted and known as South Creede, Mineral
County, Colorado.

CLERK & RECORDER CERTIFICATE

State of Colorado }SS
County of Mineral

I hereby certify that this instrument was deposited in my office at ____ o'clock, __M, the ____ day of _____, 2010,

and is duly recorded under Reception No. _____.

Recorder



VICINITY MAP
No Scale

SURVEYOR'S NOTES:

- EXCEPT AS SHOWN, CLIENT DID NOT WISH TO HAVE DAVIS ENGINEERING SERVICE, INC. RESEARCH AND SHOW RECORD OR APPARENT EASEMENTS THAT MAY AFFECT THIS PROPERTY. THIS SURVEY REVIEWED THOSE RECORD DOCUMENTS REFERENCED HEREON FOR THE DETERMINATION OF ALL BOUNDARIES DEPICTED.
- CERTIFICATION DEFINED: THE USE OF THE WORDS "CERTIFY" OR "CERTIFICATION" BY A LICENSED PROFESSIONAL LAND SURVEYOR CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS AND FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTY, EITHER EXPRESSED OR IMPLIED. (PER COLORADO STATE BOARD RULE NO. 6.2.2).

SURVEYORS CERTIFICATE

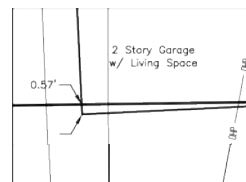
I, KEITH E. LUTTRELL, A DULY LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OR MAP WAS PREPARED FROM NOTES OF AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF, AND IT IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE.

FOR AND ON BEHALF OF
DAVIS ENGINEERING SERVICE, INC.



0' 20' 40' 60'
Scale: 1"=20'
US Survey Feet

BEARINGS ARE BASED UPON THE NORTH LINE
OF SECTION 36 BETWEEN THE NORTH 1/4
CORNER AND THE NORTHEAST CORNER OF
SECTION 36, MONUMENTED AS SHOWN
HEREON, HAVING A BEARING OF N89°14'00"E



DETAIL
1" = 5'

LEGEND

- Found No. 4 rebar (No ID)
- Found No. 4 rebar w/ red plastic cap (LS 5442)
- Set No. 4 rebar w/ 1.5" aluminum cap (LS 36063)
- Property Boundary Line
- Lot Lines
- Section Line
- Overhead Powerline w/ pole

SURVEY NOTES:

- EXISTING UTILITIES SHOWN ARE FROM 1973 AS-BUILT PLAN SET ON RECORD WITHIN THE CITY OF CREEDE TOWN HALL.
- SANITARY SEWER SERVICES RUNNING FROM THE GRANTS RESIDENCE AND THE BARNES RESIDENCE ARE 4" PVC. DUE TO THE ACCUMULATION OF SNOW HAVING A DEPTH OF 2.5', BURY DEPTH OF THE SERVICES COULD NOT BE DETERMINED AT THE TIME OF THE LOCATION SERVICE. THE LOCATION OF THE BARNES LINE IS APPROXIMATE AS ACCESS TO THEIR CLEANOUT COULD NOT BE OBTAINED BECAUSE OF ICE BUILDUP AT THE HOMES CRAWLSPACE ACCESS POINT.
- THIS SURVEY RELIED UPON A WORK SKETCH WITHIN THE RECORDS OF DAVIS ENGINEERING SERVICE, INC. BY JOHN SCHOFIELD (LS 5442) THAT IS TITLED EUGENE D. WARDELL PROPERTY, 05/1978.
- VACATION OF THE NORTH 25 FEET OF WEST FIRST STREET WAS NOT PROPERLY PERFORMED BY CITY ORDINANCES AND WAS CONVEYED BY QUIT-CLAIM DEED RECORDED IN BOOK 110M AT PAGE 276 OF THE RECORDS OF THE MINERAL COUNTY CLERK AND RECORDER.
- LOTS 9 THRU 11, BLOCK 2, SOUTH CREEDE WERE CREATED BY A COMMISSIONER'S DEED RECORDED IN BOOK 110J AT PAGE 225 OF THE RECORDS OF THE MINERAL COUNTY CLERK AND RECORDER.
- LOT 8 WAS CONVEYED IN PATENT NO. 14555, FILED FOR RECORD MAY 5, 1896.
- BLOCK 2 IS PLATTED AS HAVING LOTS 1 THRU 7 PER THE STATE LAND BOARD MAP COMPILATION, DATED SEPTEMBER 1961. SAID MAP CONTAINS A NOTE REGARDING BLOCK 2 AS BEING "UNCERTAIN AS THEY ARE SHOWN DIFFERENTLY ON VARIOUS MAPS." BECAUSE OF THE UNCERTAINTIES OF THE VARIOUS PLATS OF SOUTH CREEDE, IT IS RECOMMENDED THAT BLOCK 2 OF SOUTH CREEDE BE REPLATTED THROUGH THE CITY OF CREEDE REPLAT PROCESS TO REMOVE AND SATISFY THOSE DISCREPANCIES.
- CAPITAL AVENUE RIGHT OF WAY IS SUBJECT TO INTERPRETATION FOR THE SAME REASONS OUTLINED IN NOTE 7 ABOVE.

IMPROVEMENT SURVEY PLAT
BLOCK 2, SOUTH CREEDE

Located in NE1/4 Section 36, Township 42 North, Range 1 West,
N.M.P.M., City of Creede, Mineral County, Colorado

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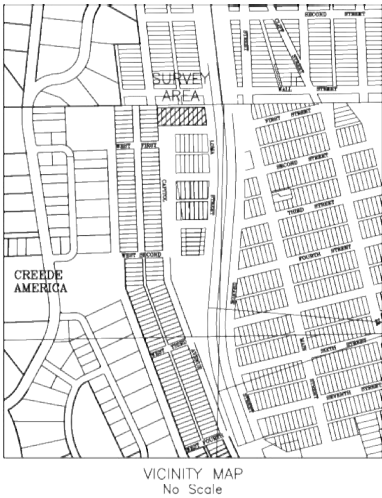
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CLERK & RECORDER CERTIFICATE

State of Colorado }SS
County of Mineral

I hereby certify that this instrument was deposited in my office at ____ o'clock, __M, the ____ day of _____, 2010,
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Recorder



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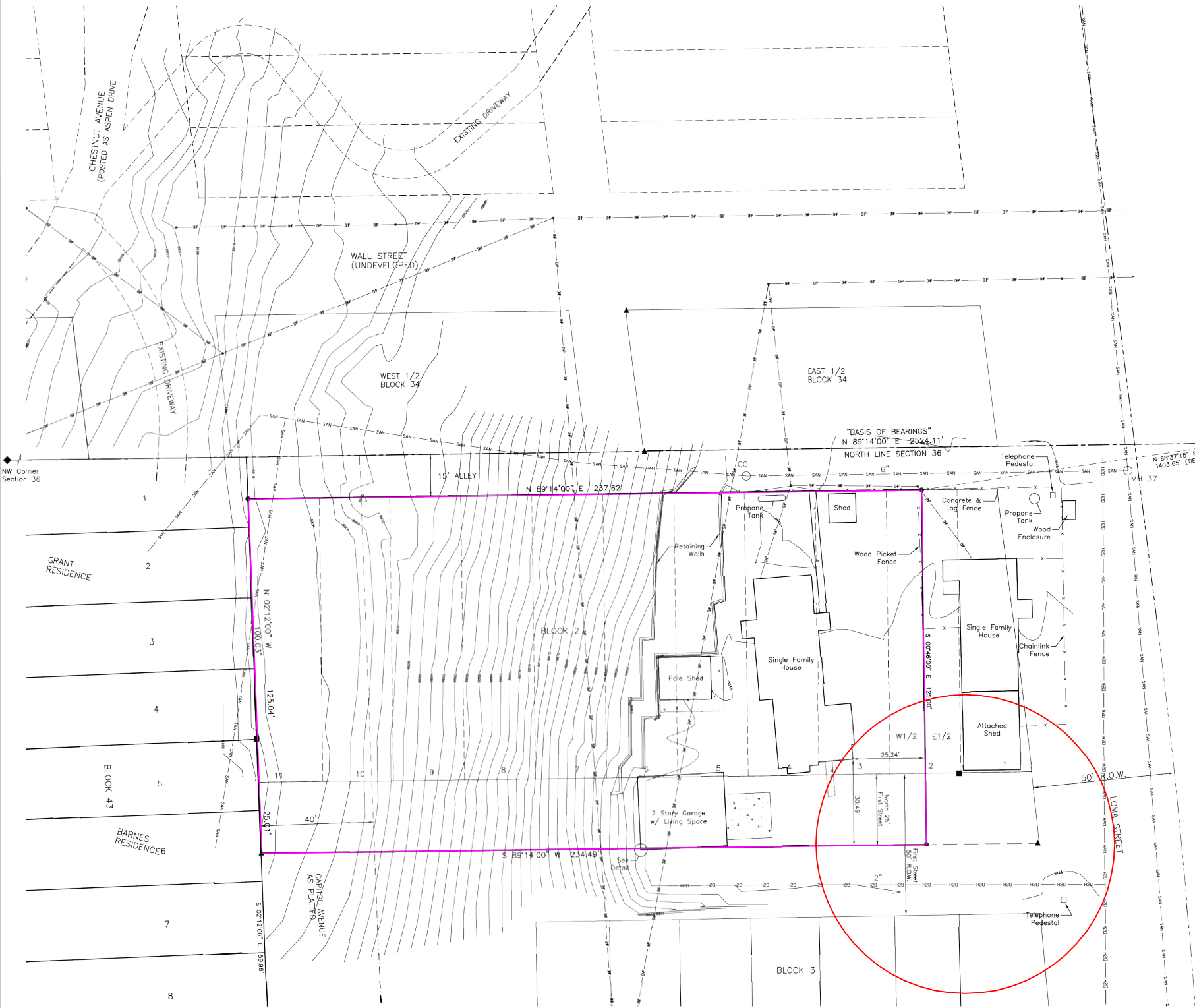
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FOR AND ON BEHALF OF
DAVIS ENGINEERING SERVICE, INC.

REVISIONS		IMPROVEMENT SURVEY PLAT	
		BLOCK 2, SOUTH CREEDE	
		Located in NE1/4 Section 36, Township 42 North, Range 1 West, N.M.P.M., City of Creede, Mineral County, Colorado	
SCALE	1"=20'	DAVIS ENGINEERING SERVICE, INC. P.O. BOX 1840 ALAMOSA, COLORADO 81101 PHONE: (719) 589-3004 FAX: (719) 589-3712	SURVEYED BY KL
	DATE 2/8/11		DRAFTED BY TJC
CLIENT JENNA FORD			FILED AP0596

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



SURVEY NOTES:

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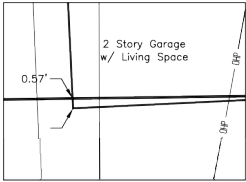
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- Overhead Powerline w/ pole



DETAIL
1" = 5'



Randi Snead

From: Dick Morton <dickandjane2@earthlink.net>
Sent: Tuesday, June 20, 2017 2:11 PM
To: Clyde Dooley
Subject: Re: Emailing: next project.pdf

Clyde,

Sounds good—expensive but worth it. I, also, want to ask the surveyor some questions about old survey markers on our property.

I guess we can get started next Monday but I have problem and need to go on a short trip early Monday. I'll be back Monday evening however and Tuesday is good and the rest of the week as well.

Dick

> On Jun 20, 2017, at 1:14 PM, Clyde Dooley <manager@creedetownhall.com> wrote:

>

> Hi Alan and Dick,

>

> Just got this from our surveyor, so I'm estimating your cost for the

> survey will be about \$1,000 each and \$250 each for the land use

> application. If that sound good on your end, please let me know and

> I'll get the ball rolling.

>

> Look forward to seeing you Monday Alan - don't forget my package.

>

> Clyde

>

> -----Original Message-----

> From: Russell Surveyors & Associates [mailto:surveyors@bresnan.net]

> Sent: Tuesday, June 20, 2017 9:49 AM

> To: 'Clyde Dooley' <manager@creedetownhall.com>

> Cc: tonymartin@bresnan.net

> Subject: RE: Emailing: next project.pdf

>

> Clyde;

>

> We should be able to survey the two properties, if done at the same

> time and if we know what the City is going to agree to on the west

> side, for a fee range of between \$2,800.00 and \$3,200.00, depending on

> the details. I will be happy to hard bid it when we know exactly what

> will be done. The Peterson property took up the old third street right

> of way. And I assume that Morton and McClean will be agreeing to their common fence as their boundary.

>

> Based on the deeds of record and the Sanborn Maps, I am confident that

> Block

> 14 had, and has, 12 lots.

>

> Best regards,

>

> Dan

>

> Russell Surveyors & Associates, Inc.

> 6820 S. Hwy. 17

> Alamosa, Colorado 81101

> 719-587-3630 ext. 1101
> 719-588-0773 cell
> surveyors@bresnan.net
> www.russellsurveyors.com
>
> -----Original Message-----
> From: Clyde Dooley [mailto:manager@creedetownhall.com]
> Sent: Monday, June 19, 2017 1:44 PM
> To: Dan Russell
> Subject: Emailing: next project.pdf
>
> Good Afternoon Dan,
>
> After we get the Egolf/Jackson property done, this is next. Allan
> McLean and Dick Morton's properties in Block 14, Creedmoor. We'll
> have to talk this thru once we get started because of the confusion of
> 3rd Street, but I'm thinking in this process we can simply ratify what
> we "think" we know about 3rd St. and get it surveyed and replatted and
> name them track 2 and track 3, Block 14, Creedmoor.
>
> I've attached some info I had in an old file. Lee and Virginia
> Peterson went thru a quiet-title, survey and replat back in 2011. I
> can give you copies of that if you need it for a starting point and
> then of course we have the court house as an ending point.
>
> If this is enough info to give me a quote - great - please do. If you
> need more, just let me know. We (city) will pay for the survey work
> and I'll invoice Allan & Dick their shares.
>
> Clyde
>
>
> Your message is ready to be sent with the following file or link
> attachments:
>
> next project.pdf
>
>
> Note: To protect against computer viruses, e-mail programs may prevent
> sending or receiving certain types of file attachments. Check your
> e-mail security settings to determine how attachments are handled.
>

INTEROFFICE MEMORANDUM

TO: Mayor & Board of Trustees
FROM: Clyde Dooley
SUBJECT: Mayer Investments LLC.
DATE: February 6, 2018

This project in North Creede started out with Caleb and Rebecca Simon in September of 2015. One of the problems with the property was Bobby Dawson owned a house on the Northeast end of their property. In September of 2017, the Trustees agreed to work with them on a boundary line agreement to resolve the problem.

Since then, Todd Mayer with Mayor Investments LLC has purchased the property and would like to continue working on that agreement we started working on with Caleb and Rebecca in 2017. Nothing has changed with the initial proposal, except for a new owner.

Todd has completed the Land Use Application and submitted the fee and Toby with Davis Engineering is working on the survey. Again, nothing's really changed, so we're thinking he just needs to change the names on the survey.

We hope to have that survey before the Planning & Zoning meeting next Tuesday and I'll present the proposal to them for their recommendation. If all goes well, I'll have a schedule for the Trustees to review at their work session on the 20th.

ROGERS

TO: Mayor & Board of Trustees FROM: Clyde Dooley

DATE: January 29, 2018

Dannie and Betsy Rogers own Lots 5, 6, 7, 8, and 9 in Block 23, Creedmoor. They would like to ask the Board of Trustees to vacate and convey a portion of Boston Avenue lying east of their property as well as a portion of Cliff Street lying west of their property where they have two structures encroaching on the right-of-way.

A portion of Boston Avenue lying west of lots 16, 17, 18, 19, 20, 21, and 22, in Block 22 were vacated in March of 1970, with Ordinance No. 179. This property was also conveyed and replatted by Donna Cullings in January of 2013. Donna's property had encroached onto Boston Avenue and occupied since the early 1900's. In talking with Dannie and Betsy they expressed interest in requesting the entire width of Boston Avenues behind (east of) their property.

We are ready to ask Toby to survey this property but would like to see what the Trustees think before having the survey done. I met with Toby Friday morning and
.....
.....
.....



ORDER FOR PROFESSIONAL SERVICES

Date: 1/16/18	Acct. No.:	Assigned Employee: Toby
Title of Project: Loma Avenue Replat		
Ordered by: Clyde Dooley City Manager 719-658-2276	Billing Address: PO Box 457 Creede, CO 81130	
Correlate project with: Clyde Dooley	Email: manager@creedetownhall.com	
Information Received: Instructions per email		
Location of Project: City of Creede		
Description of Work: Replat of Loma Avenue and adjacent blocks starting at City Hall and heading south to the intersection with Highway 149.		
Estimated Completion Date: To be determined based on a starting date agreed to with the City.		
<p>Estimated Cost (Services Performed At Rates) - This is a cost estimate based upon incomplete knowledge of need, terrain, conditions, and/or effort required to complete the requested work. <i>The range presented below is only an estimate</i>, and all services will be provided for at the rates indicated in the attached schedule.</p> <p><u>TASK 1:</u> Research and compilation of record survey plats in the offices of Davis Engineering and the Mineral County Clerk & Recorder.</p> <p><u>TASK 2:</u> Field work consisting of locating existing monuments along Loma Avenue, Rio Grande Street and the abandoned railroad right of way from the City Hall to the Intersection with Highway 149. Also, during the course of field work, location of buildings, fences, etc. (major improvements) will be surveyed in to determine problem areas of encroachments with the City right-of-way.</p> <p><u>TASK 3:</u> A survey plat suitable for recording will be drafted with existing lots & blocks, Loma Avenue, Rio Grande Street and the abandoned railroad right of way shown along with any found survey monuments marking property corners and areas of conflict emphasized.</p> <p><u>TASK 4:</u> If so desired by the City, the estimated cost below will include setting monuments at the main corners of blocks along replatted Loma and any other points along the Avenue/Street rights of way where no blocks exist.</p> <p>*This work will not include any legal descriptions of the areas of conflict for conveyance from/to the City of Creede and property owners. This work can be negotiated on a case by case basis as needed by the City of Creede.</p> <p style="text-align: center;">Estimated Cost: From: \$ <u>9,200.00</u> To: \$ <u>11,600.00</u></p>		

Work in progress is billed monthly with payment expected within 30 days. Interest is assessed at the rate of 1½% per month (19.56% A.P.R.) on the unpaid balance for any delinquent account over 30 days old. Unless an alternate payment arrangement is made, accounts which are more than 60 days delinquent may be turned over for collection, which may result in collection fees up to 33% of the account balance, plus interest. Cancellation of this order presupposes payment for work already completed. By the signing of this order, the Client agrees to the terms and conditions set forth above. Client further agrees to limit the liability of Davis Engineering Service, Inc. to the Client, Owner, and all Contractors or Subcontractors associated with the project for any negligent acts or errors or omissions, such that the total aggregate liability shall not exceed \$50,000.00 or the total fee for services rendered on the project, whichever is less.

Client or Owner:		Davis Engineering Service, Inc.
Signature:		Signature:
Name: Clyde Dooley		Name: Toby Crowther
Title: Town Manager, City of Creede		Title: LSIT
Date:		Date:

MEMO

DATE: February 9, 2018
SUBJECT: Tiny Homes

TO: PZC
FROM: Randi

Greetings:

Last night the BOT hosted a productive community work session on tiny homes that resulted in the BOT directing the PZC to consider the following:

-Amend Ordinance 406 to accommodate allowing one tiny home/RV on private properties in lieu of an ADU with a fee in lieu of taxes (a short term 1-6 month + a long term annual fee was suggested at a estimated \$100/year property tax value).

-To add RV Camping to our current event permit (without altering 406 re: RVs & other vehicles on public property).

To accomplish the first, in the newest draft of 406, I added the following possible language to that part of the ordinance (Section 23.) which changes Section 9-04-190 (e) (1) (iv) of the CDC:

Limit on Number.

There shall be no more than two (2) accessory dwelling units on a lot in addition to the principal single-family dwelling. **One (1) residentially used RV may be substituted for an ADU on a lot in addition to the principal single-family dwelling upon obtaining a certificate of occupancy and payment of a fee in lieu of taxes.**

Also, I found an ADU regulation in **Definitions** that we missed in the first draft:

Accessory Dwelling means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. ***Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area.*** For purposes of calculating residential density, each accessory dwelling shall count as one-half (½) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.

In the new draft, I added a section to strike the 850 feet limit as previously discussed.

Specific fees can then be recommended but do not need to be a part of the ordinance.

Also separate from the ordinance is the proposed private event permit change, and I've also attached that draft for your recommendation. New sections are in red and highlighted for all docs.

We may want to work on whether this language is clear. Also, in the accessory dwelling definition above, should we also add the one RV substitution allowance there, or is that confusing/redundant?

I've attached the itemized list of changes with the page #s of the CDC and updated the website with the updated version of the CDC showing these changes in highlighted text.

CDC CHANGES TO ACCOMMODATE TINY HOMES

- 50 Under R-1 permitted use, add "(7) Residential Use of RV on a vacant lot"
- 52 Under R-2 permitted use, add "(5) Residential Use of RV on a vacant lot"
- 54 Under B-1 special review use, correct numbering, then add "(ii) Residential Use of RV on a vacant lot" FYI, single-family residence and ADUs are Special Review Uses in B-1.
- 56 Under B-2 special review use, add "(iii) accessory dwelling when associated with a permitted use and (iv) Residential use of RV on vacant lot"
- 57 Under MH permitted use, add "(6) Residential Use of RV on a vacant mobile home lot"
- 58 MH minimum per dwelling is 4,000 lot sf and 850sf. While we are at it, reduce to R-2 standard 1,500 lot sf and 350sf dwelling.
- Under C permitted use, add "(5) Residential use of RV on vacant lot."
- 60 Under I permitted use, add "(19) Residential use of RV on a vacant lot."
- 65 In table, under residential uses, add "Residential RV use on a vacant lot....P, P, P, S, S, P, P, *, * and under ADU, change B-2 to "S", special review use"
- 70 ADU size limit stricken.
- 71 Correct numbering to (5) and add "B-2" to (e)(1)(i).
- Strike size limit and rename section so it makes sense with the rest of the language. **Add language to permit an RV to be substituted for 1 ADU.**
- 80-81 Strike 72-hour private property restriction. Mobile home limited to 7 Days.
- 91 RV Parks Recreational vehicle definition: Overhaul so only those vehicles which are acceptable for residential use. Add a "***Non-residential camping structure***" definition to RV Parks to allow in that zone only tents, pickup coaches, etc. See new definition.
- 103 Strikeout RV permanent residency restrictions
- 136 Amended to allow 2, remove ADU size limit, and allow "residential use of RV on vacant lot in lieu of 1 allowable ADU in consideration of a fee in lieu of property taxes."**
- 152 Do exactly the same as above to the definition of Recreational Vehicle in "Definitions."

OTHER

57, 59, 60, 66, 67, 72, 146

Outdoor storage direction never removed as recommended 10-11-16, add to ordinance to "strike all outdoor storage references in CDC."

17, 18, 19

Correct numbering

ORDINANCE NO. 406

AMENDING THE CREEDE DEVELOPMENT CODE BY ALLOWING TINY HOMES AND AMENDING RV AND OUTDOOR STORAGE REGULATIONS

WHEREAS, the authority for the City of Creede (“City”) to adopt regulations concerning the use and development of real property is provided by Article 65.5 Notification of Surface Development; Article 20 Local Government Regulation of Land Use of Title 29; Article 15 Exercise of Municipal Powers; Article 16 Ordinances; Article 23 Planning and Zoning; and other applicable state and federal laws and regulations; and

WHEREAS, in accordance with the requirements of C.R.S. § 31-23-304, 305, and 306, the Creede Planning and Zoning Commission (hereinafter “Commission”) held a public hearing on November 14, 2017. After considering public comments received, and testimony and materials provided by City Staff, the Commission provided a recommendation to the Board of Trustees to amend the Creede Development Code by allowing Tiny Homes and Amending RV and Outdoor Storage Regulations; and

WHEREAS, in accordance with the requirements of C.R.S. § 31-23-304, 305, and 306, and after providing proper notice, the Creede Board of Trustees held a public hearing on December 5, 2017 and considered all public comments received and all testimony and materials provided by City Staff; and

WHEREAS, the Board of Trustees for the City of Creede, a Colorado Town, finds that amending the Creede Development Code by allowing Tiny Homes and Amending RV and Outdoor Storage Regulation is in the best interests of, and will thereby promote, the health, safety and general welfare of the Creede community.

NOW THEREFORE, BE IT ORDAINED, by the Board of Trustees of the City of Creede, a Colorado Town, the following:

Section 1: Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees.

Section 2: The Creede Development Code is amended by the addition thereto of a new Section 9-04-060 (b) (7) which is to read as follows:

(7) Residential use of RV on vacant lot.

Section 3: The Creede Development Code is amended by the addition thereto of a new Section 9-04-070 (b) (5) which is to read as follows:

(5) Residential use of RV on vacant lot.

Section 4: The Creede Development Code is amended by the addition thereto of a new Section 9-04-080 (c) (2) (ii) which is to read as follows:

- (ii) Residential use of RV on vacant lot.

Section 5: The Creede Development Code is amended by the addition thereto of a new Section 9-04-080 (c) (2) (iii) which is to read as follows:

- (ii) Accessory dwelling when associated with a permitted use.

Section 6: Section 9-04-90 (b) (5) (vii) is amended to read as follows:

Equipment rental establishments.

Section 7: The Creede Development Code is amended by the addition thereto of a new Section 9-04-080 (c) (1) (iii) which is to read as follows:

- (iii) Accessory dwelling when associated with a permitted use.

Section 8: The Creede Development Code is amended by the addition thereto of a new Section 9-04-080 (c) (1) (iv) which is to read as follows:

- (iv) Residential use of RV on vacant lot.

Section 9: Section 9-04-90 (c) (3) (xiii) is amended to read as follows:

Retail and supply yard establishments.

Section 10: The Creede Development Code is amended by the addition thereto of a new Section 9-04-100 (c) (6) which is to read as follows:

- (6) Residential use of RV on vacant lot.

Section 11: Sec. 9-04-100. Table “MH Zoning Standards” is amended to read as follows:

Minimum lot are per dwelling = 1,500 Square Feet

Section 12: Sec. 9-04-100. Table “MH Zoning Standards” is amended to read as follows:

Minimum floor area per dwelling unit = 350 Square Feet

Section 13: The Creede Development Code is amended by the addition thereto of a new Section 9-04-110 (b) (5) which is to read as follows:

- (5) Residential use of RV on vacant lot.

Section 14: Section 9-04-120 (a) is amended to read as follows:

- (a) **Intention.** This zoning district is intended to provide locations for a variety of workplaces and employment opportunities, including light industrial uses, research and development offices and institutions, manufacturing, warehousing and distributing, storage and a wide range of commercial and industrial operations. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, child care and housing. Locations for this zone require good access to major arterial streets and adequate water, sewer and power. Additionally, this district is intended to encourage the development of planned office and business parks; to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and

streetscapes.

Section 15: Section 9-04-120 (b) (5) is amended to read as follows:

- (5) Equipment rental establishments.

Section 16: Section 9-04-120 (b) (15) is amended to read as follows:

- (15) Retail and supply yard establishments.

Section 17: The Creede Development Code is amended by the addition thereto of a new Section 9-04-110 (b) (19) which is to read as follows:

- (19) Residential use of RV on vacant lot.

Section 18: Section 9-04-120 (d) (3) is amended to read as follows:

- (3) Equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.

Section 19: Section 9-04-170. Table “Permitted Uses” is amended by adding or amending underlined and bolded sections so that the table shall read as follows:

PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O
Residential Uses P: Permitted S: Special Review Use *: Not Permitted									
Accessory buildings and accessory uses	P	P	P	P	P	P	P		*
Accessory dwelling when associated with a permitted use	P	P	*	S	<u>* S</u>	*	S		*
Group homes	P	P	*	P	P	P	S		*
Mobil home	*	*	P	*	*	*	*		*
Multiple-family dwellings	*	P	*	P	P	P	*		*
Senior housing	*	P	*	P	*	*	*		*
Single-family detached dwellings	P	P	P	S	S	S	*		*
Two-family dwellings	*	P	*	P	S	S	*		*
<u>Residential Use of RV on Vacant Lot</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>		<u>*</u>
Institutional/Civic/Public Uses									
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O

Cemeteries	*	*	*	*	*	*	*	*	S
Churches or place of worship and assembly	S	S	*	P	P	P	*		*
Community facilities	S	S	*	S	S	S	*		*
Golf courses	S	S	*	S	S	*	S		*
Golf driving range	S	S	*	S	S	*	S	S	*
Parks and open space	P	P	P	P	P	P	P	P	P
Public and private schools for elementary, intermediate and high school education	S	S	*	S	*	S	*		*
Public and private schools, including colleges, vocational training and technical training	*	*	*	P	S	S	*		*
Public facilities provided that business offices and repair and storage facilities are not included	S	S	P	P	P	P	P		S
Public facilities with business offices, but without repair and storage facilities	*	*	*	P	P	P	P		*
Public facilities with business offices and repair and storage facilities	*	*	*	S	P	S	P		*
Transit facilities without repair or storage	*	*	*	*	P	P	*		*
Business/Commercial/Retail Uses									
Adult uses including product sales and entertainment	*	*	*	*	*	*	S		*
Artisan and photography studios and galleries	*	*	*	P	S	S	S		*
Auto, recreational vehicle, boat and truck sales	*	*	*	*	S	S	S		*
Auto, RV, boat and truck storage	*	*	*	*	S	S	P		*
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O

Bars and taverns	*	*	*	S	S	P	S		*
Bed and breakfasts	*	S	*	P	P	P	*		*
Boarding and rooming houses	*	S	*	P	P	P	*		*
Car wash	*	*	*	S	P	P	P		*
Child care centers	S	S	*	P	P	P	S		*
Clubs and lodges	*	*	*	S	S	P	*		*
Convenience shopping and retail establishments	*	*	*	P	P	P	S		*
Entertainment facilities and theaters	*	*	*	S	S	P	S		*
Equipment, rental establishments <u>without outdoor storage</u>	*	*	*	*	P	P	P		*
Equipment, truck and trailer rental establishments <u>with outdoor storage</u>	*	*	*	*	S	S	S		*
Food catering	*	*	*	*	P	P	*		*
Funeral homes	*	*	*	*	P	P	*		*
Gasoline stations	*	*	*	S	P	P	P		*
Health and membership clubs	*	*	*	P	P	P	*		*
Hospitals	*	*	*	*	S	S	*		*
Large retail establishments	*	*	*	*	P	P	*		*
Limited indoor recreation facility	*	*	*	P	P	P	*		*
Limited outdoor recreation facility	S	S	*	S	S	S	S	S	S
Lodging establishments	*	*	*	P	P	P	S		*
Long term care facilities	*	S	*	S	P	P	*		*
Medical and dental offices and clinics	*	*	*	P	P	P	*		*
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O

Mixed-use dwelling units	*	*	*	P	P	P	*		*
Motor vehicle service and repair (minor repairs)	*	*	*	S	P	P	P		*
Motor vehicle service and repair establishments (major repairs)	*	*	*	*	S	S	P		*
Night clubs	*	*	*	*	S	S	S		*
Open-air farmers' markets	*	*	*	P	P	P	S		*
Parking lots and parking garages (as a principal use)	*	*	*	S	S	S	P		*
Personal and business service	*	*	*	P	P	P	S		*
Plant nurseries & greenhouses	*	*	*	*	P	P	P		*
Print shops	*	*	*	*	P	P	*		*
Professional offices, financial services	*	*	*	P	P	P	*		*
RV parks	*	*	*	*	S	S	*		*
Restaurants/standard & fast food without drive-thru	*	*	*	P	P	P	*		*
Restaurants with drive-thru	*	*	*	*	P	P	S		*
Retail and supply yard <u>with outdoor storage</u>	*	*	*	*	S	S	P		*
Sales and leasing of farm implements, heavy equipment sales, and heavy excavation equipment	*	*	*	*	*	*	S		*
Small animal boarding	*	*	*	*	*	S	S		*
Small grocery stores	*	*	*	P	P	P	S		*
Supermarkets	*	*	*	*	P	P	*		*
Tourist facilities	*	*	*	P	P	P	*		*
Veterinary facilities, small	*	*	*	*	P	P	*		*
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O

Veterinary facilities, large	*	*	*	*	*	*	P		*
Veterinary hospitals	*	*	*	*	S	S	S		*
Industrial Uses									
Dry cleaning plants	*	*	*	*	*	*	S		*
Enclosed mini-storage facilities	*	*	*	*	S	S	P		*
Manufacturing and preparation of food products	*	*	*	*	*	*	P		*
Manufacturing, assembly or packaging of products from previously prepared materials	*	*	*	*	*	*	P		*
Manufacturing of electric or electronic instruments and devices	*	*	*	*	*	*	P		*
Plumbing, electrical and carpenter shops	*	*	*	*	*	*	P		*
Recycling facilities	*	*	*	*	*	*	S		*
Research, experimental or testing laboratories	*	*	*	*	S	S	P		*
Resource extraction, processes and sales establishment	*	*	*	*	*	*	S	S	*
Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes,	*	*	*	*	*	*	S		*
Warehouse, distribution and wholesale uses	*	*	*	*	*	S	P		*
Wireless telecommunications facilities	*	*	*	*	*	*	P		*
Workshops and custom small industry uses	*	*	*	S	P	P	P		*

Section 20: Section 9-04-190 (d) (3) is amended to read as follows:

(3) **Size.** No accessory building shall exceed the height of the site's principal structure. Accessory building size shall be compatible with setback and lot size restrictions.

Section 21: Section 9-04-190 (e) (1) (i) is amended to read as follows:

(i) **Districts Allowed.** Accessory dwelling units shall be allowed as accessory uses to principal residential uses in the following districts: R-1, R-2. Accessory dwelling units shall be allowed as special review uses in the following districts: B-1, B-2, and I.

Section 22: Section 9-04-190 (e) (1) (iii) is amended to read as follows:

(ii) **Interior Requirements.** An accessory dwelling unit shall contain private sanitary facilities with hot and cold running water and cooking and food storage facilities.

Section 23: Section 9-04-190 (e) (1) (iv) is amended to read as follows:

(i) **Limit on Number.** There shall be no more than two (2) accessory dwelling units on a lot in addition to the principal single-family dwelling. **One (1) residentially used RV may be substituted for an ADU on a lot in addition to the principal single-family dwelling upon obtaining a certificate of occupancy and payment of a fee in lieu of taxes.**

Section 24: Section 9-04-190 (e) (3) "Outdoor Storage" is repealed in its entirety.

Section 25: Section 9-05-050 (c) is amended to read as follows:

(c) **Parking Restrictions for Excess Weight Vehicles and Recreational Vehicles.**

(1) The owner or operator of any vehicle weighing in excess of ten thousand (10,000) pounds, other than emergency vehicles, shall not park said vehicle on any public right-of-way or roadway except when making local deliveries.

(2) No boat, boat trailer, tractor, trailer, semi-trailer, motor home, bus or detached/dismounted camper shall be kept or parked upon any public right-of-way or roadway, except for visitation purposes not exceeding twenty-four (24) hours.

(3) No mobile home may be located for more than seven (7) days in any residential area unless it is zoned for the same.

Section 26: In Section 9-06-10 the following definition shall be added:

Non-residential camping structure means a camping unit primarily designed as temporary living quarters for recreational, camping, or travel use. The following shall be considered a non-residential camping structure:

- (a) *Camping trailer.* A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.
- (b) *Pickup coach.* A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.
- (c) *Tent.* Protective fabric erected to provide protection from the elements.
- (d) *Travel trailer.* A towable vehicle designed as a temporary dwelling for travel and recreation.
- (e) *Travel trailer, self-contained.* A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Section 27: In 9-06-10 the following definition shall be amended:

Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for residential, recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

(a) *Motorized home, motor home and/or recreational bus or van.* A recreational vehicle consisting of a portable dwelling to be used for residential, travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the vehicle but also have the ability to connect to water and sewer systems outside the vehicle.

(b) *Travel trailer.* A towable vehicular dwelling to be used for residential, travel, recreation and vacation uses. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.

(c) *Tiny homes.* A dwelling to be used for residential, travel, recreation and vacation uses which is licensed as a recreational vehicle by the Colorado Department of Motor Vehicles. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.

(d) Residential use of recreational vehicles in excess of six (6) months

requires a Certificate of Occupancy from the Creede Building Department. A Certificate of Occupancy will only be issued to safely inhabitable vehicles with either a Recreational Vehicle Inspection Association plaque or a National Organization of Alternative Housing certification seal.

Section 28: In 9-06-10, the following definition shall be amended:

Recreational vehicle park means a parcel of land specifically developed for locating recreational vehicles and non-residential camping structures on lots.

Section 29: Section 9-06-220 is amended to read as follows:

Permanent Occupancy Actions Prohibited.

- (a) Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited.

Section 30: In Section 09-09-010, General Definitions, the following definition shall be amended:

Accessory Dwelling means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. For purposes of calculating residential density, each accessory dwelling shall count as one-half (½) dwelling unit. There shall not be more than two (2) accessory dwelling located on a lot in addition to the single-family dwelling.

Section 31: In Section 09-09-010, General Definitions, the following definition shall be amended:

Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for residential, recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

- (a) *Motorized home, motor home and/or recreational bus or van.* A recreational vehicle consisting of a portable dwelling to be used for residential, travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the vehicle but also have the ability to connect to water and sewer systems outside the vehicle.
- (b) *Travel trailer.* A towable vehicular dwelling to be used for residential, travel, recreation and vacation uses. It contains a water-flushed toilet,

lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.

(c) *Tiny homes.* A dwelling to be used for residential, travel, recreation and vacation uses which is licensed as a recreational vehicle by the Colorado Department of Motor Vehicles. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.

(d) Residential use of recreational vehicles in excess of six (6) months requires a Certificate of Occupancy from the Creede Building Department. A Certificate of Occupancy will only be issued to safely inhabitable vehicles with either a Recreational Vehicle Inspection Association plaque or a National Organization of Alternative Housing certification seal.

Section 32: In Section 09-09-010, General Definitions, the following definition shall be amended:

Home Occupation means an occupation or business activity which results in a product or service, is conducted in whole or in part in a dwelling unit, is subordinate to the residential use of the dwelling unit, and complies with the following standards:

(a) Does not create impacts greater than customary residential use, including but not limited to vehicle traffic, noise, vibration, and odors;

(b) Does not cause or require customers, delivery persons, or any person, to regularly enter the property on which the dwelling unit is located during normal business hour and does not cause or require any persons to enter the property during normal non-business hours;

(c) Does not employ persons who are not residents of the dwelling located on the property;

(d) Does not require alteration to the residence to satisfy applicable City, Fire or Building Codes, or County health regulations;

(e) Does not require or allow any signs to be visible from the outside of the property; and

(f) Does not change the appearance or residential character of the structure.

Section 33: In Section 09-09-010, General Definitions, the following definition shall be amended:

Off-street Parking Area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, operation of motor vehicles, including driveways or access ways in and to such areas, storage areas for landscaping and other bulk items or public streets and rights-of-way.

Section 34: Codification Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Creede Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 35: Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provision or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 36: Effective Date. This Ordinance shall take effect thirty days after adoption.

Section 37: Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City of Creede, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, ON DECEMBER 5, 2017.

BY:

ATTEST:

Jeffery Larson,
Mayor

Date

Randi Snead,
City Clerk

Date